

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.428 of 2022**

Arising Out of PS. Case No.-93 Year-2021 Thana- GOVERNMENT OFFICIAL COMP.  
District- Nawada

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DHIRAJ KUMAR @ LALU KUMAR, age 28 years, Gender-Male, Son of  
Kaushalya Singh, Resident of Village - Badhauna, P.s.- Hisua, Distt.-  
Nawada.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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**Appearance :**

For the Petitioner : Mr. Man Mohan Kumar, Advocate  
For the Opposite Party : Mr. Nityanand, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH**  
**ORAL ORDER**

2      11-02-2022                      Due to the third wave of COVID-19 Pandemic, the  
  
matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For  
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to  
remove the defects, as pointed out by the office, within a period  
of four weeks after restoration of normalcy.

The petitioner is apprehending his arrest in connection  
with G.O. Case No. 93 of 2021, for the offence registered under  
Section 30(a) of the Bihar Prohibition and Excise Act, 2016.

The prosecution story, in brief, is that total 69.5 liters



wine is recovered from the back side of the shop belonging to joint family of the petitioner.

It has been submitted by learned counsel for the petitioner that the petitioner has got no criminal antecedent. He has falsely been implicated in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. It is alleged that total 69.5 liters wine is recovered from the back side of the shop belonging to joint family of the petitioner. Except for this, there is no other substantive evidence to suggest the implication of the petitioner in this case. Nothing incriminating has been recovered from the conscious possession of the petitioner. The petitioner had no knowledge regarding the alleged incident. There is no compliance of Section 100 Cr. P.C.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R/ Complaint Case.

It is necessary to indicate here that this Court while considering the prayer made in the present anticipatory bail application has taken note of the exponential rise in number of covid cases due to outbreak of third wave of Covid-19 pandemic. Further this Court can also not lose sight of the fact that the condition of jails is not conducive and suitable to the present situation which has arisen due to the sudden rise in



covid cases.

Considering the aforesaid facts and circumstances, the petitioner, above named, in the event of arrest/surrender before the learned court below within a period of twelve weeks from today, be released on anticipatory bail on his personal bonds to the satisfaction of the learned Additional District Judge-II-cum-Special Judge, Excise Act, Nawada, in connection with G.O. Case No. 93 of 2021, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/-(Rupees Ten Thousand) with two sureties of the like amount each within a period of eight weeks to the satisfaction of the court concerned in connection with the aforesaid case.

**(Sudhir Singh, J)**

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